

Appl. No. 10/040,177
Amdt. Dated August 10, 2005
Reply to Final Office Action of June 30, 2005

Attorney Docket No. 81784.0245
Customer No.: 26021

REMARKS/ARGUMENTS

Claims 1 and 3-8 are pending in the application. Claims 1 and 3-8 are submitted to clearly distinguish patentably over the art in their present form. No new matter is involved.

In the prior Office Action of March 23, 2005, the claims are rejected on various combinations of the references to Miyata, Lee, Den Boef, Horiguchi, Inaba and Toyooka. In Applicant's responding Amendment of April 29, 2005, Applicant repeatedly pointed out that as contrasted with the present invention, none of the cited references show or suggest a trial writing region that is located outside of the lead-out region.

In the final Office Action of June 30, 2005, the rejection of the claims on the cited references is essentially repeated. As stated beginning at the bottom of page 7 of the final Office Action, "either disposing the trial writing region inside the lead-out region or disposing the trial writing region outside the lead-out region would have been obvious variants to one of ordinary skill in the art at the time of the invention by the Applicant because either arrangement would have caused the Applicant's invention to perform equally well." In support of this, the Examiner cites a section of the MPEP which is said to teach that rearrangement of parts would have been obvious if this arrangement would not have modified the operation of a device, and rearrangement of parts would have been an obvious matter of design choice.

In response to this, Applicant points out that normal optical disk recording apparatuses do not use any regions outside of the lead-out region because writing and reading is only performed in regions inside the lead-out region in accordance with optical disk standards. In accordance with the present invention, because laser output can be set for using a trial region outside of the lead-out region, an area

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outside of the lead-out region can be used as a trial region. This would not have been obvious to one skilled in the art.

In discussing U.S. Patent 6,404,712 of Lee, the statement is made on page 3 of the Office Action that "It should be noted that the claimed "outer peripheral region" corresponds to any region on an outer diameter of the disk of Lee, e.g., an unlabeled area to the right of the "lead-out area" of figure 4. It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to have added the trial, buffer, lead-in, program, and lead-out regions, and the outer peripheral region disposed outside of the lead-out region of Lee to the disk of Miyata, the motivation being to provide a more accurate test-writing, thereby detecting optimal writing power".

However, Lee only shows that there is a region outside of the lead-out region on an optical disc. The reference does not disclose or suggest that the region outside of the lead-out region can be used, nor does Lee describe or suggest any such use. Consequently, the present invention is again submitted to clearly distinguish patentably over the cited references and any attempted combination thereof.

Claim 1 defines a laser output circuit in which "test data is written onto or read from the trial writing region disposed on the innermost peripheral side of said optical disk and the trial writing region disposed outside of the lead-out region". Similar comments apply to claims 3-8 which depend, directly or indirectly, from and contain all of the limitations of claim 1.

In conclusion, claims 1 and 3-8 are submitted to clearly distinguish patentably over the cited references in their present form. Therefore, reconsideration and allowance are respectfully requested.

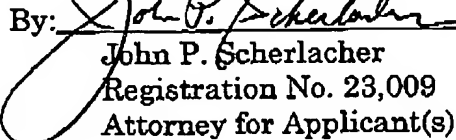
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Respectfully submitted,
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